

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HENRY SMALLS, JR.	:	CIVIL ACTION
	:	
v.	:	NO. 13-3294
	:	
JEROME WALSH, JOHN E. WETZEL,	:	
THE DISTRICT ATTORNEY OF THE	:	
COUNTY OF PHILADELPHIA and	:	
THE ATTORNEY GENERAL OF THE	:	
STATE OF PENNSYLVANIA	:	

ORDER

AND NOW, this 3rd day of September, 2013, upon consideration of the petition for writ of habeas corpus, the respondents' response, the Report and Recommendation of United States Magistrate Judge Jacob P. Hart, and after careful and independent review of the record, it is **ORDERED** as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The petition for a writ of habeas corpus is **STAYED** and held in **ABEYANCE** until the conclusion of Smalls' state court proceedings.
3. Within thirty days following the conclusion of his state court proceedings, Smalls shall return to this court or this stay and abeyance order will be vacated and his petition will be dismissed without prejudice.
4. Within ten (10) days of the conclusion of the state court proceedings, the parties shall file a notice with the clerk that the state court proceedings have concluded.
5. There is no basis for the issuance of a certificate of appealability.

/s/Timothy J. Savage
TIMOTHY J. SAVAGE, J.